

Exhibit 49

Subject: Re: West Point Marina, Redwood City, San Mateo County
Date: Wednesday, May 9, 2012 4:03 PM
From: Brad McCrea <bradm@bcdca.gov>
To: Adrienne Klein <adriennek@bcdca.gov>, John Bowers <johnb@bcdca.gov>

*Attorney-
Client
Privilege*

Aaarrgh. Okay.

Did we try reducing the open access to only one of the docks and let the other dock be shut down?

On 5/9/12 4:01 PM, "Adrienne Klein" <adriennek@bcdca.gov> wrote:

> That won't fly past DBW, though. And, I wouldn't have sent my email
> prior to
> obtaining your agreement to the package at the enforcement staff meeting
> where we bandied this about. I don't like it either but I'm trying to
> salvage what otherwise seems like a lost cause for dock access.

> --

> Adrienne

>

>

>

>> From: Brad McCrea <bradm@bcdca.gov>

>> Date: Wed, 09 May 2012 15:57:33 -0700

>> To: Adrienne Klein <adriennek@bcdca.gov>, John Bowers
<johnb@bcdca.gov>

>> Subject: Re: West Point Marina, Redwood City, San Mateo County

>>

>> It make be identical, but I never liked the registration idea. Talk
about a

>> deterrent! Some people like to be anonymous. And No. 1 and No. 3 seem
to be

>> in conflict.

>>

>> I would say that daylight hours is fine. Try to get rid of 1 and 3.

>>

>> Brad

>>

>>

>> On 5/9/12 3:44 PM, "Adrienne Klein" <adriennek@bcdca.gov> wrote:

>>

>>> Brad and John,

>>>

>>> Do you agree that even though he says he doesn't support our
recommendation,

>>> his so called counter-proposal is identical to our proposal?

>>> --

>>> Adrienne

>>>

>>>

>>> ----- Forwarded Message

>>> From: Kevin Atkinson <katkinson@dbw.ca.gov>

>>> Date: Wed, 9 May 2012 13:14:13 -0700

>>> To: Adrienne Klein <adriennek@bcdca.gov>

>>> Cc: Melissa Frago <MFrango@dbw.ca.gov>, John Bowers
 <johnb@bcdcd.ca.gov>, Brad
 >>> McCrea <bradm@bcdcd.ca.gov>
 >>> Subject: RE: West Point Marina, Redwood City, San Mateo County
 >>>
 >>> Adrienne, there seems to be some confusion here. Our DBW contract does
 >>> not require the grantee to allow uncontrolled access to any
 improvements
 >>> nor does it require that the general public be allowed access to the
 >>> guest docks that were built with the Boating Infrastructure Grant
 funds.
 >>>
 >>>
 >>> I believe part of this confusion is the definition of "public" that
 you
 >>> are using vs. what "public" access is in terms of the Boating
 >>> Infrastructure Grant (BIG) contracts.
 >>>
 >>> "Public" in terms of the BIG grant funded improvements refers to the
 >>> recreational vessels and their occupants that want to use the BIG
 funded
 >>> facilities - ie. docks, etc. (Note: only a small portion of the docks
 at
 >>> the Westpoint Marina were funded with BIG funds). In order for the
 >>> recreational vessel to get to the facility they would typically arrive
 >>> by water - not land access. The Grantee must also allow public (the
 >>> recreational boater) access to the shore and to other basic facilities
 >>> such as fuel, restrooms, etc. if the facility has them.
 >>>
 >>> BOATING INFRASTRUCTURE GRANT CONTRACT - ARTICLE VI: OPERATION OF
 PROJECT
 >>>
 >>>
 >>> C. The GRANTEE shall allow reasonable access to the project by all
 >>> recreational vessels for the useful life of the facilities constructed
 >>> with the GRANT funds. The GRANTEE shall insure that the facilities
 are
 >>> accessible to the public. "Accessible to the public" means located
 >>> where the public can reasonably reach the facility; where boats
 typical
 >>> to that facility can easily use it; where only reasonable fees, as
 >>> defined in ARTICLE VI, Paragraph H, are charged; and that are open
 for
 >>> reasonable periods as determined and approved by the DEPARTMENT. The
 >>> GRANTEE shall allow public access to the shore and basic features such
 >>> as fuel and restrooms in facilities that have them. The GRANTEE shall
 >>> provide precise details of the public access to the DEPARTMENT for
 >>> approval. Any work to construct or renovate tie-up facilities under
 the
 >>> GRANT must comply with the Americans with Disabilities Act.
 >>>
 >>> As we discussed before I do not support the position that the general
 >>> public (those people in the marina for sight-seeing purposes) should
 be
 >>> allowed uncontrolled access to any marina docks where vessels are
 >>> berthed. Access is commonly restricted to these marina areas

throughout

>>> the San Francisco Bay area marinas as well as all of California and the
>>> nation as a whole. Large boats can cost hundreds of thousands of dollars
>>> and vandalism and theft is a common occurrence. Controlling access is a
>>> first line of prevention.

>>> For the reasons above, I also do not agree with the revised conditions
>>> that you have listed: We suggest the following compromise to our
>>> requirement:

>>> 1. As will be the case throughout the site, limit access on the guest
>>> berth dock to daytime use only;
>>> 2. Have the public along with the guest berthers register with the
>>> harbormaster. A user would only have to register the first time;
>>> 3. Retain gates in an unlocked position when no guest berthers are
>>> visiting.

>>> As far as the no wake zone restriction, I am not aware of any State law
>>> that would prevent such a restriction but I will rely on Melissa Frago
>>> to address.

>>> Sincerely,
>>> Kevin Atkinson, PE
>>> California Dept. of Boating & Waterways
>>> 2000 Evergreen St, Suite 100
>>> Sacramento, CA 95815
>>> (916) 263-8149

>>> -----Original Message-----
>>> From: Adrienne Klein [mailto:adriennek@bcdca.gov]
>>> Sent: Wednesday, May 09, 2012 9:46 AM
>>> To: Kevin Atkinson
>>> Cc: Melissa Frago; John Bowers; Brad McCrea
>>> Subject: Re: West Point Marina, Redwood City, San Mateo County

>>> Dear Kevin,
>>>
>>> A friendly reminder to please respond to this email.

>>> Regarding personal watercraft, Eric Mruz prefers no wake zone signs in lieu
>>> of speed limit signs as he indicates that it's a clearer standard. We
>>> will
>>> modify our condition accordingly.

>>> Thanks,
>>> --
>>> Adrienne Klein, Chief of Enforcement
>>> San Francisco Bay Conservation and Development Commission
>>> 50 California Street, Suite 2600
>>> SF CA 94111

>>>
>>> 415-352-3609
>>> http://www.bcdc.ca.gov/
>>>
>>>
>>>
>>>> From: Adrienne Klein <adriennek@bcddc.ca.gov>
>>>> Date: Thu, 03 May 2012 19:00:23 -0700
>>>> To: Kevin Atkinson <katkinson@dbw.ca.gov>
>>>> Cc: Melissa Frago <MFrigo@dbw.ca.gov>, John Bowers
>>> <johnb@bcddc.ca.gov>, Brad
>>>> McCrea <bradm@bcddc.ca.gov>
>>>> Conversation: West Point Marina, Redwood City, San Mateo County
>>>> Subject: Re: West Point Marina, Redwood City, San Mateo County
>>>>
>>>> Dear Kevin,
>>>>
>>>> Thanks very much to you and Melissa for providing us with the
>>> requested
>>>> information on Wednesday.
>>>>
>>>> Regarding public access on the guest dock, while we don't see the
>>> restriction
>>>> that you indicate is in place, and in fact read your contract to
>>> require
>>>> public access to and on the guest dock, we suggest the following
>>> compromise to
>>>> our requirement:
>>>> 1. As will be the case throughout the site, limit access on the guest
>>> berth
>>>> dock to daytime use only;
>>>> 2. Have the public along with the guest berthers register with the
>>>> harbormaster. A user would only have to register the first time; and
>>>> 3. Retain gates in an unlocked position when no guest berthers are
>>> visiting.
>>>>
>>>> Regarding BCDC's existing prohibition of personal watercraft, we are
>>> prepared
>>>> to modify the permit condition to instead require them to travel no
>>> faster
>>>> than 5MPH in the marina and the adjacent West Point Slough. However,
>>> I
>>> would
>>>> like to confirm that this change would satisfy Eric Mruz, Manager,
>>> Don
>>> Edwards
>>>> SF Bay National Wildlife Refuge, who I have not yet had a chance to
>>> connect
>>>> with.
>>>>
>>>> Please let us know if these BCDC permit modifications would address
>>> your
>>>> concerns.
>>>>
>>>> Thank you and sincerely,
>>>> --

>>>> Adrienne Klein, Chief of Enforcement
>>>> San Francisco Bay Conservation and Development Commission
>>>> 50 California Street, Suite 2600
>>>> SF CA 94111
>>>>
>>>> 415-352-3609
>>>> <http://www.bcdc.ca.gov/>
>>>>
>>>>
>>>>> From: Kevin Atkinson <katkinson@dbw.ca.gov>
>>>>> Date: Wed, 2 May 2012 10:51:41 -0700
>>>>> To: Adrienne Klein <adriennek@bcdc.ca.gov>
>>>>> Subject: RE: West Point Marina, Redwood City, San Mateo County
>>>>>
>>>>> Attached are the contracts for the Westpoint BIG Grant.
>>>>>
>>>>> Kevin Atkinson, PE
>>>>> California Dept. of Boating & Waterways
>>>>> 2000 Evergreen St, Suite 100
>>>>> Sacramento, CA 95815
>>>>> (916) 263-8149
>>>>>
>>>>> -----Original Message-----
>>>>> From: Adrienne Klein [<mailto:adriennek@bcdc.ca.gov>]
>>>>> Sent: Tuesday, May 01, 2012 3:47 PM
>>>>> To: Kevin Atkinson; Melissa Frago
>>>>> Cc: John Bowers
>>>>> Subject: Re: West Point Marina, Redwood City, San Mateo County
>>>>>
>>>>> Dear Kevin,
>>>>>
>>>>> I (finally) reviewed the material that you sent me, which is Mr.
>>>>> Sander's application for grant funding from DBW. Could you also
>>> please
>>>>> share the issued grant as I would like to review its terms and
>>>>> conditions and know the date of issuance. If possible to share
>>>>> before
>>>>> noon tomorrow, that would be greatly appreciated.
>>>>>
>>>>> FYI, I note that in his application, Mr. Sanders included a copy of
>>> the
>>>>> BCDC permit exhibit for public access, which depicts the guest berth
>>>>> docks as public access, implying that the BCDC permit may have been
>>>>> issued in advance of the funding being granted. What this may mean
>>>>> is
>>>>> unclear to me but I thought I would at least make you aware of this
>>>>> observation.
>>>>>
>>>>> Dear Melissa,
>>>>>
>>>>> I just tried to place a call to you but I cannot reach you on the
>>> phone
>>>>> number that Kevin provided for you. If you have a moment to give me
>>>>> a
>>>>> call, I would be obliged, again if possible before noon tomorrow.

>>>>>
>>>>> Sincerely,
>>>>> --
>>>>> Adrienne Klein, Chief of Enforcement
>>>>> San Francisco Bay Conservation and Development Commission 50
>>> California
>>>>> Street, Suite 2600 SF CA 94111
>>>>>
>>>>> 415-352-3609
>>>>> <http://www.bcdc.ca.gov/>
>>>>>
>>>>>
>>>>> From: Kevin Atkinson <katkinson@dbw.ca.gov>
>>>>> Date: Thu, 5 Apr 2012 11:33:01 -0700
>>>>> To: Adrienne Klein <adriennek@bcdc.ca.gov>
>>>>> Subject: RE: West Point Marina, Redwood City, San Mateo County
>>>>>
>>>>> Adrienne,
>>>>> 1. Attached is the grant application. The grant was subsequently
>>>>> amended to remove Dock B from funding. The Boating Infrastructure
>>>>> Grant info can be found in 50CFR86.
>>>>> 2. Please contact Melissa Frago here at DBW (916-263-8186) for the
>>>>> code information concerning watercraft restrictions.
>>>>>
>>>>> Sincerely,
>>>>> Kevin Atkinson, PE
>>>>> California Dept. of Boating & Waterways 2000 Evergreen St, Suite
100
>>>>> Sacramento, CA 95815
>>>>> (916) 263-8149
>>>>>
>>>>> -----Original Message-----
>>>>> From: Adrienne Klein [mailto:adriennek@bcdc.ca.gov]
>>>>> Sent: Thursday, April 05, 2012 11:24 AM
>>>>> To: Kevin Atkinson
>>>>> Subject: West Point Marina, Redwood City, San Mateo County
>>>>>
>>>>> Kevin,
>>>>>
>>>>> Thanks for taking the time to talk to me this morning. Pursuant to
>>> our
>>>>>
>>>>> conversation, please send:
>>>>>
>>>>> 1. A copy of the West Point Marina Boating Infrastructure Grant and
>>>>> any code citation/s relevant to the use of the funds, which you
>>>>> indicated were federal; and
>>>>>
>>>>> 2. The code citation/s regarding the requirements to limit the use
>>> of
>>>>> personal watercraft at a marina.
>>>>>
>>>>> Sincerely,
>>>>> --
>>>>> Adrienne Klein, Chief of Enforcement

